

Social Media Policy

Jenks City Council, Commissions, Boards and Committees

Purpose: Many local governments use social media as a tool to communicate with citizens. Although this technology greatly increases communication outreach and efficiency, some restrictions are required in order to comport with federal and state law and ethical considerations.

Applicability: This policy applies to members of the City Council, as well as all members of City boards, commissions and committees¹ (“member” or “public official”).

Use of Personal Accounts

As a public official, you should be aware of additional risks related to your personal participation on social media.

1. **Open Meetings Act** – Communications between a quorum of members about public business, no matter the forum or time, can constitute a “meeting” to which the Open Meetings Act applies. If the Act applies to a discussion, an agenda must be posted, the public must be allowed to attend, and other requirements of the Act must be met. Therefore, you should consider the following when using personal social media accounts:
 - a. Public officials should not use social media as a mechanism for conducting official City business. Redirect information to official government sources and avoid making posts or comments related to your official duties or governmental bodies.
 - b. Remove elected titles and committee titles from profiles for personal social media accounts.
 - c. Include an introductory statement in the profile or about section of your account that defines the purpose and topical scope of your page. For example: “This account is intended for personal use only. The views, postings, positions or opinions expressed on this site are my own and do not represent those of the City of Jenks. If you are a citizen of Jenks and would like to discuss city business, please go to [official page] or contact me at [official email].”
 - d. Redirect political dialogue requests to an alternative means of communication (e.g. email, phone or other preferred social media account).
 - e. Avoid commenting on local issues where other members are also participating in discussion. Avoid tagging other members or “liking” posts by other members pertaining to City business.

¹ Some parts of this policy may have no practical application to committee members. For instance, committee members are not likely to have a campaign page or a public official page, but the general principles of this policy do apply. If you have questions as to whether the policy applies to you in a particular situation, please contact your staff liaison, the City Attorney or Communications Director.

- f. Avoid making posts and/or comments on behalf of the City and/or the City Council (or other City public body) or in your official capacity as an elected official or committee member.
2. **Open Records Act** – The Act defines “record” broadly enough to include social media posts, comments, videos, etc. Therefore, you should consider the following:
 - a. Hide, rather than delete, clearly inappropriate public comments received on your personal or official social media account, if possible. In some cases, these comments may still be subject public disclosure in the future. When in doubt, don’t delete it. Contact the City Attorney or Communications Director before deleting comments or blocking anyone.
 - b. Avoid responding to inappropriate comments or personal attacks on social media. If the commenter persists, redirect them to an alternate method of communication (e.g. email).
 - c. Be aware that a personal social media account, depending on its content, may still be subject to the Open Records Act.
 3. **First Amendment** – Constituents may post comments on public officials’ personal pages to voice concerns on public issues. Once a public official’s social media page is opened for political discussion, it may be transformed into a public forum for speech and debate, invoking users’ First Amendment rights. Courts have interpreted individual government official’s social media platforms to be considered “government speech” applying the same restrictions to the public official’s page as to the City’s official social media accounts. Therefore, you should consider the following:
 - a. Limit open-ended political and city business discussions on your personal social media accounts and redirect dialogue requests to an alternate channel.
 - b. When in doubt, don’t block users. Especially those with whom you have previously engaged. If you must, consult with the City Attorney or Communications Director, and then document and retain your actions and reasons for blocking.

Use of Official Pages (As Applicable)

City Councilors | Only City Councilmembers should maintain a “public official” or “official” page. If you choose to create a social media account, a best practice is to keep this account separate from other personal accounts that you maintain. Elected officials increasingly use social media for reelection purposes as well. However, mixing campaign and constituent communications from the same account creates potential liability. Therefore, you should consider the following:

1. **Make it official** – Your account profile, description and photo should clearly indicate your position as a member of the Jenks City Council and your intent to use the account as a way of communicating with constituents. It should be clear that this is your public official page but not a City-maintained account.
2. **Treat your account as a public forum** – Your engagement with the public on social media as an elected official establishes your platform as a limited public forum under the First Amendment, which affords users the right to comment on content you publish. It also

means that any speech restrictions or censorship is subject to heightened scrutiny under the law. Contact City Attorney or Communications Director prior to deleting or blocking.

3. Prohibited content and comments on City pages is defined by City policy. For consistency, consider managing prohibited content on your accounts in the same way City-administered accounts are managed. The Communications Director can assist with standard language to post and to follow.
4. Campaign separately – Councilmembers in office should not use City-administered social media accounts for electioneering. Likewise, your official page should not be used for electioneering of any kind. It’s equivalent to campaigning from the dais during a public meeting, which may violate state law. Add a disclaimer to any campaign-related accounts that identifies the purpose, and do not discuss City business on that page.
5. Keep your personal account separate.
6. Refer City-related requests for information or records to City staff in a timely manner.

General Guidelines

1. Be transparent – Your honesty and forthrightness will be quickly noticed in the social media environment. If your private sector work could present a conflict of interest, be the first to point it out.
2. Use sound judgment and common sense –What is published is widely accessible, not easily retractable, and will be around for a long time, so consider the content carefully. Officials have an obligation to ensure their posts are accurate and not misleading. Do not post or comment in a manner that may undermine the public’s trust in your ability to perform your official duties.
3. Maintain privacy – Make sure your efforts to be transparent do not violate confidentiality. Consult with the City Attorney before sharing conversations that are meant to be private or internal to the City or any other public entities. Do not post private or confidential information about fellow members, City employees or constituents.
4. Be respectful – From the Jenks City Council Code of Ethics, “Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public.”
5. Be perceptive – In online social networks, the lines between public and private, personal and professional are often blurred. By identifying yourself as an elected official, you are creating perceptions about your expertise and the City. Be sure that all content associated with you is consistent with the City’s values and professional standards.
6. Maintain your appropriate role – Do not offer opinions or information that is outside of the scope of your duties as a public official (e.g. City operations) without consulting with the appropriate City staff. Consider directing operational questions and comments through the official City channels.
7. Be excited and positive– The City’s activities are focused on providing services and innovation that benefits citizens and stakeholders. Share what Jenks is learning and doing, and open up social media channels to learn from others.
8. Be responsive and maintain your presence – Should you decide to engage in social media, know that monitoring and responding in a timely way are crucial. Social media participants

expect timely responses to requests and expect co-participants to monitor social media properties frequently and regularly.

9. Be responsible – Ultimately, what you publish is yours, but so is the responsibility and potential consequences. If you are about to publish something that makes you even the slightest bit uncomfortable, don't publish. Do not use the copyrights, trademarks, publicity rights, or other rights of others without the necessary permissions of the rightsholder(s). If you are still unsure about a post or comment, check with the Communications Director or City Attorney.
10. Mistakes happen – If you make a mistake, admit it. Be upfront and quick with your correction. Make it clear that you have made a correction.
11. Be ethical – Review the City Council Ethics policy. It is equally applicable to social media posts and comments.
12. Retain public records –You are responsible for retaining any public records under your control.

Definitions

For the purposes of this policy, unless otherwise stated, the following definitions apply:

1. Comment – a message posted by site visitors, either in response to an existing topic or introducing a new topic. In general, the content of comments is controlled solely by the user, but often can be deleted, accepted or rejected prior to publishing by the site or page administrator.
2. Committee Member – a volunteer serving at the pleasure of the City Council, may include but is not limited to Planning Commission and Board of Adjustment.
3. Limited forum – a public forum created by the government voluntarily for expressive activity that may be restricted in a certain manner. Forum restrictions must be able to withstand strict judicial scrutiny of its effect on First Amendment rights.
4. Post – In relation to social media accounts or online activity, anything published in an online forum or social media account.
5. Social media – Internet based third-party platforms including TikTok, Facebook, Nextdoor, Twitter, Instagram and YouTube, that facilitate interaction and engagement among individuals in a network or virtual community and includes user-generated content such as videos, photos, videos, blogs, vlogs, and wikis.

Violation of Policy

This policy is not meant to circumvent or bypass any of the other processes, policies or laws that are applicable to public officials or members of the public bodies of the City of Jenks. Social media activity and conduct by members should not only comply with these policy terms, but all other processes, policies and laws that may apply as well.

Policy Updates

The City Council reserves the right to update these terms of use at any time.